IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 19565 of 2004

Between:

K.Mahadeva Naidu S/o.K.Chandrasekhara Naidu
R/o.Kondetivandlavooru Village, G.K.Vandlavooru Post Bangarupalyam

Mandal, Chittoor District.

... PETITIONER

AND

1 The Government of A.P. rep by its District Collector Chittoor Chittoor District.
2 The District Panchayath Officer, Chittoor Chittoor District.
3 Guntur Gramapanchayath, rep by its Panchayath Secretary Guntur Village,

Bangarupalyam Mandal Chittoor District.
4 Guntur Grampanchayath rep by its Sarpanch, Guntur Village, Bangarupalyam

Mandal Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declare the action of the respondents more particularly 3 and 4 in schedule to be fixed on 26.10.2004 for re-auction of the fishery rights of the Veerappanayani Tank Guntur Grampanchayat, Bangarupalyam Mandal, Chittoor District without service any notice to the petitioner and in spite of Petitioners lease period is subsist amounts to erroneous, arbitrary and violative of Arts. 14 19 and 21 of the Constitution of India and violative of Principles of

natural justice and consequently direct the respondents not to conduct any re-auction of the Veerappanayani Tank, Guntur Gram Panchayat, Bangarupalyam Mandal, Chittoor District till the petitioners lease period is expires.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioner and also the learned Government Pleader for the respondents.

2. Third respondent Gram Panchayat passed a resolution for leasing out fishery rights of Veerappanayani Tank for the period 01-07-2003 to 30-06-2005 in favour of the petitioner by a public auction. Petitioner, who participated in the auction was the highest bidder for Rs.1,69,500/- and he knocked down the fishing rights of the tank for the said period of two years. It is stated that petitioner initially paid Rs.1,13,500/- and Rs.26,500/- totaling Rs.1,39,750/-. Due to heavy expenditure for procuring fish seeds and due to lack of rain, he has not harvested the fish. It is further submitted that without serving any notice on the petitioner, the said tank was put to public auction on 26-10-2004. Questioning the same, the present writ petition has been filed.

3. It is also stated that first respondent after calling the records permitted the petitioner to deposit the balance of Rs.84,750/- and directed the District Panchayat Officer to continue the petitioner as a lessee of the tank, but due to drought, petitioner could not mobilize the amount.

4. Learned Government Pleader submits that auction did not take place as scheduled on 26-10-2004 and if the petitioner is

agreeable to pay the balance amount, he will be permitted to harvest the fish.

5. If that were the case, petitioner can approach the respondent authorities for seeking time for payment of the balance amount of Rs.58,000/-. To show his *bonafides*, petitioner is directed to initially deposit 50% of the balance amount within two weeks from the date of receipt of a copy of this order and make an application to the respondents to that effect. On petitioner making an application, respondents are directed to consider the same and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

November 8, 2004

N.B. *Copy tomorrow*

(B/o)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector Chittoor, Chittoor District Government of A.P.
2 The District Panchayath Officer, Chittoor Chittoor District.
3 Panchayath Secretary Guntur Village, Guntur Gramapanchayath,

Bangarupalyam Mandal Chittoor District.
4 Sarpanch, Guntur Village, Guntur Grampanchayath, Bangarupalyam

Mandal Chittoor District.

5 Two C.C. s to the G.P. for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT).

6 Two C.D. Copies.